

### C. Remarks

The claims are 1-6, with claims 1, 3 and 6 being independent. The specification has been amended to correct various typographical and grammatical errors. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 1-3, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,218,035 B1 (Fuglevand). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Fuglevand in view of U.S. Patent No. 6,523,699 B2 (Akita). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly discuss some of the features of the presently claimed invention. That invention, in pertinent part, is related to a membrane electrode assembly for a proton-exchange membrane fuel cell, a method for its production and a proton-exchange membrane fuel cell that includes this assembly. The presently claimed assembly comprises a polymer electrolyte membrane and an electrode catalyst layer. The polymer electrolyte membrane is formed by polymerizing a composition containing at least a compound having proton conductivity and a compound having activity to an active energy ray, or a composition containing at least a compound having proton conductivity and activity to the active energy ray. Importantly, at least a part of the polymer electrolyte membrane infiltrates into the electrode catalyst layer.

Fuglevand is related to a proton exchange membrane fuel cell power system. The Examiner has alleged that Fuglevand inherently discloses the claimed

infiltration of the electrolyte membrane into the catalyst layer, because this reference teaches the same materials as the present application and the same process for its preparation. Applicants respectfully disagree.

Applicants respectfully submit that Fuglevand teaches forming an electrolyte membrane by photo-curing and thermally polymerizing the electrolyte membrane material by itself (Examples 1-3). Sandwiching such a polymerized membrane between catalytic electrodes clearly does not result in the presently claimed infiltration.

As recited, for example, in instant claim 3, the electrode catalyst layer in the present invention is coated with the composition for forming the polymer electrolyte membrane, and then this composition is polymerized so that the formed polymer electrolyte membrane infiltrates into the electrode catalyst layer. Applicants respectfully submit that such a process is not disclosed or suggested in Fuglevand.

Akita cannot cure the deficiencies of Fuglevand. Akita was cited for the teaching related to the platinum catalyst thickness. Even if the Examiner is correct, Akita, like Fuglevand, does not disclose or suggest the presently claimed infiltration.

Accordingly, Applicants respectfully submit that the cited documents, whether considered separately or in combination, do not disclose or suggest all of the presently claimed elements.

Wherefore, withdrawal of the outstanding rejections and passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jason M. Okun/  
Jason M. Okun  
Attorney for Applicants  
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCBS\_WS 1431797v1